

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 14, and 19 are amended and claims 23-24 are added. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 5, lines 21-24), figures (e.g., FIG. 2), and claims and thus, no new matter has been added. Claims 1-3, 5, 10-21, and 23-24 are pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5, 11, and 14-21 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reichelt et al. (U.S. Patent No. 6,295,447; "Reichelt") in view of Pearson (U.S. Patent App. Pub. No. 2005/0100152) and further in view of Humphrey et al. (U.S. Patent No. 6,073,028; "Humphrey"). Claims 10, 12, and 13 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Reichelt in view of Pearson and Humphrey, and further in view of well known prior art. These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest the mobile switching center that employs a DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user, as recited in applicants' independent claim 1.

For explanatory purposes, applicants discuss herein one or more differences between the claimed invention and the Office Action's citations to Reichelt, Pearson, and Humphrey. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to Reichelt, Pearson, or Humphrey correspond to the claimed invention.

Reichelt (column 10, lines 58-62; column 7, lines 8-27) discloses evaluating logical expressions to determine whether or not to execute a relevant feature. Reichelt discloses that the call waiting feature is either on or off. Reichelt fails to disclose the mobile switching center that employs a DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user. This point is conceded by the Office Action (page 3, lines 11-14).

Accordingly, the Office Action's citation to Reichelt fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Pearson (Abstract, lines 1-11) discloses:

The disclosure is directed to a method of providing a distinctive call waiting tone based on a redirecting number. The method includes receiving a call from an originating device at a redirecting device; forwarding the call from the redirecting device to a destination device; and applying a distinctive type of call waiting tone to the destination device based upon determining that a data message includes a redirecting number. The forwarded call has an associated data message that includes a calling number of the origination device, a called number of the destination device, and a redirecting number of the redirecting device.

Pearson discloses the distinctive call waiting tone based on the redirecting number. Pearson fails to disclose the mobile switching center that employs a DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of

11

LUC-464 / Barclay 11-51-10-10-9

the incoming call is the non-preferred user or the preferred user. This point is conceded by the Office Action mailed July 17, 2006 (page 11, lines 1-2).

Accordingly, the Office Action's citation to Pearson fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Humphrey (Abstract, lines 1-11) discloses:

The disclosure is directed to a method of providing a distinctive call waiting tone based on a redirecting number. The method includes receiving a call from an originating device at a redirecting device; forwarding the call from the redirecting device to a destination device; and applying a distinctive type of call waiting tone to the destination device based upon determining that a data message includes a redirecting number. The forwarded call has an associated data message that includes a calling number of the origination device; a called number of the destination device, and a redirecting number of the redirecting device.

Humphrey discloses the distinctive call waiting tone based on the redirecting number. Humphrey further discloses that the DTMF tones are used to decode a dialed telephone number (column 7, lines 40-44; column 8, lines 40-46). Accordingly, the DTMF tones are received before the call has been set up to the dialed number and not during the call. In addition, the DTMF tones are received by an originating MSC for the calling party before the call has been connected to the called party or a serving mobile switching center for the called party. Humphrey fails to disclose the mobile switching center that employs a DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user.

Accordingly, the Office Action's citation to Humphrey fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The Office Action's citations to Reichelt, Pearson, and Humphrey all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office

12

LUC-464 / Barclay 11-51-10-10-9

Action's citations to Reichelt, Pearson, or Humphrey of the mobile switching center that employs a DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user, as recited in applicants' independent claim 1.

For all the reasons presented above with reference to claim 1, claims 1, 14, and 19 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1, 14, and 19, as well as for their own additional characterizations.

Withdrawal of the § 103 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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